

II. REMARKS

Formal Matters

Claims 32-36 and 38-43 are pending after entry of the amendments set forth herein.

Claims 32-37 were examined. Claims 32-36 were rejected. Claim 37 was objected to.

Claims 32 and 36 are amended. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as acquiescence to any objection or rejection of any claim. Support for the amendments to claims 32 and 36 is found in the claims as originally filed, and throughout the specification, in particular at the following exemplary locations: page 18, line 9 to page 19, line 18. Accordingly, no new matter is added by these amendments.

Claim 37 is canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claim. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 38-43 are added. Support for new claims 38-43 is found in the claims as originally filed, and throughout the specification, including the following exemplary locations claim 38: page 12, lines 12-15; claim 39: page 12, lines 13-15; claim 40: page 11, lines 14-21; and page 10, lines 23-24; claim 41: page 19, line 10 to page 20, line 2; claim 42: page 12, lines 12-15; and claim 43: page 12, lines 13-15. Accordingly, no new matter is added by these new claims.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejections under 35 U.S.C. §102(b)

Claims 32, 33, 35, and 36 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Bennett et al. (WO 91/16901; “Bennett”). Claims 32-35 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Draper et al. (U.S. Patent No. 5,514,577; “Draper”).

Claims 32, 33, 35, and 36 over Bennett

The Office Action stated that Bennett teaches a nucleic acid of SEQ ID NO:12 (GGAAGGTTTCCAGGGAAGAGG).

Claims 32 and 36 are amended to incorporate the language of claim 37, which was not rejected under 35 U.S.C. §102(b) over Bennett. Accordingly, none of claim 32 as amended, claim 36 as amended, and claims depending from claim 32 as amended, is anticipated by Bennett.

Claims 32-35 over Draper

The Office Action stated that Draper teaches SEQ ID NO: 47 (GTTGGAGACCGGIGTTGIG); SEQ ID NO:48 (GTTGGAGACCGGGITTGGGG); and SEQ ID NO:51 (GTTGGAGACCGGGGTTGGGI).

Claim 32 as amended incorporates the language of claim 37, which was not rejected under 35 U.S.C. §102(b) over Draper. Accordingly, claim 32 as amended, and claims depending therefrom, are not anticipated by Draper.

Conclusion as to the rejections under 35 U.S.C. §102(b)

Applicants submit that the rejections of the claims discussed above under 35 U.S.C. §102(b) have been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejections.


III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-173 CON.

Respectfully submitted,
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